

Shellfish Conservation Committee

11/13/2023

Bristol Town Office

Committee Members Present: Steve Lackovic, Ronald Poland, Steve Termine, David Cheney

Others Present: E. Poland, Jen Casad, Hannah Annis DMR, Meredith White DMR, Crystal Canney Protect Maine's Fishing Heritage Fund, Camden, Jess Bourne Town Staff Liaison

On a motion by Lackovic and a second by Cheney, the meeting was called to order at 6:35pm

Minutes:

On a motion by Lackovic and a second by Cheney all approved the October minutes as written.

License Allocation:

The proposed changes to recreational license allocation were approved by the Selectboard on 11/1/2023, Jess Bourne has submitted this allocation to DMR via the online portal. Hannah Annis received notification and requested clarification; Lackovic clarified that the changes have been made due to a decrease in recreational license sales over the past couple of years.

Shellfish Management Plan:

Explanation by Hannah Annis, DMR-Shellfish management plans are required by DMR, over time they have been lost at the town/state level and/or need to be reviewed and updated. Hannah has been working with towns and can review the committee's work and give recommendations. The committee will work on this during the December 2023 meeting.

Ordinance Amendments:

Cheney: Student license process needs to be fair and look at the long term, how to transition student license holders to adult commercial. 85% of flats are in South Bristol, reciprocal usage but no joint conservation efforts.

Hearing no further comments, a motion was made by Lackovic to accept the amendments as written, seconded by Cheney, all approved.

Jess will deliver a copy to the Selectboard for their January meeting.

Lease/Moratorium Discussion:

Meredith White: There have been changes to the licensing for municipal LPA (limited purpose aquaculture) leases, there is now no fee and no education requirement. Towns still need to go through the application process- the lease would be under the committee or town's name. Nearshore Marine Resources division can help with technology aspects of submission.

Cheney: An LPA is 400 sq ft, towns have the same limitations as any other entity, leases are for 1 year and are renewable, 1500ft perimeter around the LPAs would extend the protected area, LPAs can be used as garden beds to grow resource.

Lackovic: What about the area in the Pemaquid River that the committee reseeded? It has been depleted- this is an enforcement issue, resource has been taken by lease holders, wild harvesters, recreational harvesters, and poaching.

Cheney: This has been an issue for a while, we seeded the area hoping that the oysters would spawn and filter the bacteria to lower the counts on water testing results. Some were taken by recreational harvesters-they don't always know the rules. We'd like to protect the area for all of the shellfish resources, seed in different populations- this is why we would apply for an LPA, to grow spawn, seed, conservation efforts and stock enhancement.

Lackovic: We want to continue with the work we've been doing and protect the work we have already done.

Meredith White: Is this area intertidal?

Cheney/Lackovic: Yes, and subtidal

Meredith White: For the good of all license holders an LPA would protect the area, if the area is larger than LPA limits a lease would be needed. The lease application process for municipalities has not been changed.

Lackovic: The LPA could benefit a lot of people vs. an individual lease holder. Would the 4 LPAs really benefit us since the previous work we have done is so spread out? Even with permitting from DMR we were told to look into areas that are not subtidal for future conservation work.

There has been recent interest in leasing an area in the Pemaquid River, the application was withdrawn- however on the application it was listed that there is no competition with wild species but there is wild resource in the area.

Cheney: Lackovic fears a lease going into the area, I'm not against leases but I do want to protect the area.

Meredith White: The Aquaculture Division has formulated two documents for municipalities regarding commenting at a public hearing, the comments need to be specific and commentors should provide documentation.

Lackovic: There is wild resource in the area, hypothetically when the Aquaculture Division receives a new lease application in May, how does it work when there are Razor Clams, Mussels, Oysters in the area and the applicant states on the lease application that there is no conflict with wild resource and then the lease holder decides to drag the area over the wild resource- who has authority? We harvest and transplant in that area with DMR approval intending to build resources in the area.

Meredith White: are we talking about subtidal area?

Cheney: is the area for leasing still at the 0.2ft mark?

Meredith White: there are multiple definitions of the subtidal area

Lackovic: that's part of the problem, there are too many gray areas, when we asked DMR where the low tide mark is in Bristol we did not get a clear answer.

Cheney: the State of Maine legislature gave authority to Aquaculture Division to manage leases, a standard lease is 10-20 years, there is an application process, meet with DMR, scoping session, at the town level meet with selectboard, after feedback is received you can apply for the lease, can take years to hear anything, diver will come do a survey, there will be a public hearing then the Aquaculture Division can accept/deny or approve with provisions.

Lackovic: it sounds like every area is treated differently.

Cheney: people applying for a lease have to do their homework.

Meredith White: some of the information has to come from public comments.

Lackovic: Where we did the work in the Pemaquid River is more subtidal, the area is still being considered ok for a lease? I'm not against aquaculture but I want to protect the work already done.

Crystal Canney: Protect Maine's Fishing Heritage Fund feels that some of this has to do with how the hearings are conducted and how notification of the hearings is shared, there is a problem with communication which I have been pointing out for 4 years. I understand your (Cheney) point about wanting, the language used, is there unreasonable interference allows the commissioner to make decisions either way, people do go to the public hearings, but they aren't always heard.

Lackovic: I want to be clear, I'm not against aquaculture but over the years I've lost more opportunities and income when DMR is not really sure where the low tide mark is it is concerning, we need less gray area and more clarity- how are natural resources really surveyed if the visibility is poor on the day the divers go out? I would like more say than hearings and meetings like this.

Cheney: why are soft shell clams more important?

Lackovic: I'm here representing wild harvesters, theoretically we have no say

Cheney: the public hearings are like going to court over anything, everything is arguable

Lackovic: We've done conservation projects in the area, and if a lease goes in we've all lost opportunity, in my experience when towns change ordinances I have had my grandfathered license dissolved. You have the risk of losing it, I'm tired of my income/opportunity shrinking. Why wouldn't someone investigate a lease in that area? I'd like to protect the little bit that we have.

Meredith White: DMR notifies the Town of the comment period on lease applications, I would suggest setting up a chain of command to spread that information

Cheney: Jess does this for us, she notifies us

Lackovic: We have commented in the past, In 3-4ft of water a 3 acre proposed lease wanted to place 600,000 oysters in the navigational channel. My job is to take in concerns of the land owners and voters. The feeling I got was that it was still a suitable site for a lease, I got the feeling that a lease that could generate more money and jobs was more important than the wild resource and harvester.

Cheney: An aquaculture lease cannot inhibit historical fishing areas

Lackovic: What about out in front of the Lincoln Home? The lease holders ground out their boats put their baskets in the mud and scoop up oysters. I was harvesting in the area and there was more concern that I had harmed the farmed oysters than there was concern about the wild resource or wild harvester.

Cheney: the State of Maine has privatized aquaculture leases

Lackovic: I'm fine with that, I'm not fine with grandfathered, residents/voters no longer being able to harvest in an area

Cheney: Aquaculture leases are not harming the wild resource

Crystal Canney: I cannot let it go, that aquaculture leases are not harming the wild harvest- it attract birds/predators. Dense scale lease creates problems with water quality.

Camden: It is dependent on flushing of water, if resource in aquaculture lease takes all of the food before it can reach the wild resource is causes damage. The aquaculture cages take feces and pseudo feces and conglomerate the waste into blobs

Crystal Canney: If we really want to promote aquaculture we need further studies, DMR needs to spend the money to do the science.

Cheney: small scale aquaculture and wild harvest/resource can coexist.

Lackovic: It seems we are learning as we go, at what cost? We're paying the price so someone can experiment and we have no say what so ever but we can make some comments. I can go by 30 years experience of walking up and down the coastline and see what changes have happened.

Cheney: With small scale aquaculture leases, the spawn from those farms can spread and populate coves and estuaries and can be a good thing.

Lackovic: Its management, enforcement, harvesting, the it sets now we have no say

Cheney: you have a say but no real power.

Lackovic: the people with experience, that have seen all the changes should have a say, seems like all gray area and policy.

Crystal: we support small leases, under 5 acres, there seems to be no long term plan for aquaculture leases other than aquaculture is good and creates jobs

Lackovic: it needs to be looked into, find out more details. Looking at aquaculture on a grand scale, learning as we go does not turn out well for anyone, an announcement came from DMR about opening an area in the Pemaquid River- this seems like a for sale sign

Cheney: yes, farms at a certain scale will have an environmental impact. I would argue that aquaculture in the Damariscotta River is not a new industry, it's been going on for over 5,000 years

Lackovic: Landowners bring concerns to me, the point of this is if we don't do something we lost opportunity, all we can do is comment.

Meredith White: circling back, according to DMR, the low water line is variable flat to flat, it comes back to enforcement. You could use the perimeter of the LPA to expand protected area

Camden: since there is a 1500ft radius from an LPA, shouldn't there be a 1500ft radius from wild harvest areas?

Meredith White: That is a good argument.

Crystal Canney: Will you be advancing that Meredith, since it's a good idea?

Meredith White: that is not my role with DMR.

Lackovic/Cheney/White: further discussion was had about enforcement in the Pemaquid River, several points were brought up about Marine Patrol and Local Shellfish Warden roles in enforcement.

Lackovic: can we put this discussion on the agenda for December and revisit then?

All: agree, will place in December agenda.

Protect Maine's Fishing Heritage Fund:

Crystal: I have been up and down the state working to stop industrial scale aquaculture supporting small owner aquaculture that is properly sited within the community. (Crystal then shared a story about her experience working with Black Island Cook pen- salmon farming.) Due to the poor oversight of these industrial aquaculture ventures PMFHF asked a lawyer to put together an emergency moratorium, 2 towns have passed this moratorium and Bristol has every right to do this too even though DMR says you can't. PMFHF is so invested in this that they will back the moratoriums language in court.

Lackovic: This committee is not sure what they want to do.

Crystal Canney: PMFHF is not anti-aquaculture as long as it is small and appropriately sited, you cannot exchange on industry for another. I would encourage you to look into the emergency moratorium to give you room to take a breath and decide what the committee and town wants.

Lackovic: Yes, we should look in to it and talk with some town officials.

Crystal Canney: please read the whole packet, I can bring Kallin in if you'd like to talk to him.

Lackovic: We received a letter from DMR that they won't recognize the moratoriums?

Crystal Canney: Yes, the response from Kallin is in the packet.

Cheney: So, you're asking us to put in a moratorium? I'm not in favor of it.

Lackovic: I'm not sure the town does want a moratorium; I would like us to have more say in what happens. I get the feeling we aren't all working together. Can we add this to the December agenda for further discussion- it's getting late.

Determination of next meeting and adjournment:

On a motion by Lackovic and a second by Cheney the meeting was adjourned at 8:49pm

The next meeting will be held on 12/4/2023 at 6:30pm at the Bristol Town Office.

Respectfully Submitted,

Jess Bourne
Shellfish Committee Secretary